

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIA GENITTI, an individual,
JOHN R. GENITTI, an individual,
5 G's INCORPORATED, a Michigan
corporation, and G&W PROPERTIES,
LLC, a Michigan limited liability company,

Plaintiffs,

v.

Case No. 10-CV-12210
HON. GEORGE CARAM STEEH

MAIN STREET BANK, a Michigan banking
corporation, LNV CORPORATION, a foreign
banking association, and CLMG CORP.,
a foreign corporation,

Defendants.

_____/

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On June 4, 2010, Plaintiffs filed a complaint asserting the following claims relating to loans originating from, or serviced by, Defendants: violations of the Truth-in-Lending Act, the Real Estate Settlement Procedures Act, and the Federal Trade Commission Act; breach of contract; breach of fiduciary duty/joint venture; fraudulent inducement; fraud; and misrepresentation. On September 2, 2010, Defendants LNV Corporation and CLMG Corp. filed a motion for summary judgment on Plaintiffs' claims. The deadline for responding to the motion has passed, and no response was filed. Because the loans at issue are commercial loans, the claim asserted pursuant to the Federal Trade Commission Act is not permitted by that statute, and the various state claims are barred by the parties' fully

integrated agreements and “no oral modification” clause, Defendants LNV Corporation and CLMG Corp. are entitled to summary judgment and Plaintiffs’ claims against Defendants LNV Corporation and CLMG Corp. as set forth their Complaint filed herein are dismissed.

SO ORDERED.

Dated: October 7, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 7, 2010, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk